

BS00336
U.S. Application No. 09/893,910 Examiner DAO Art Unit 2614
Response to March 30, 2007 Final Office Action

REMARKS

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The Assignee respectfully requests continued examination in this application. The Assignee also respectfully requests entry of the above amendments and the following remarks in response to the final office action mailed March 30, 2007. The Assignee respectfully submits that the pending claims distinguish over the cited documents to *Lund*, *Ginsberg*, and *Greenberg*.

Claims 1-7, 11-16, 19, 21-26, and 28 are pending in this application. Claims 8-10, 17-18, 20, 27, and 29-36 are canceled without prejudice or disclaimer.

Claims 1-3 and 6-35 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 5,978,806 to Lund. Claims 4-5 and 36 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Lund* in view of U.S. Patent 6,064,730 to *Ginsberg* and in view of U.S. Patent 6,791,974 to *Greenberg*.

The Assignee shows, however, that the pending claims cannot be anticipated nor obviated by *Lund*, *Ginsberg*, and/or *Greenberg*. Removal of the rejections is thus respectfully requested.

Rejection of Claims under § 102

Claims 1-3 and 6-35 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 5,978,806 to Lund. A claim, however, is only anticipated when each and every element is found in a single prior art reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). See also DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P.").

First, as noted above, claims 8-10, 17-18, 20, 27, and 29-36 have been canceled without prejudice or disclaimer. The rejection of these claims is moot.

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Second, claims 1-3, 11-16, 19, 21-26, and 28 cannot be anticipated by *Lund*. These claims recite, or incorporate, features that are not taught or suggested by *Lund*. Independent claim 1, for example, recites "*means for establishing a first data session between the calling party's device and the source computer*" and "*means for establishing a second data session between a called party's device and the source computer.*" Support for such features may be found at least at paragraphs [0031]-[0033] of the as-filed application. Independent claim 1 is reproduced below, and independent claims 11 and 21 recite similar features.

[c01] A system for viewing contents of a source computer via a computer network, the system comprising:

means for associating a calling party's telephone number with a network address of the source computer;

means for storing a result of the associating;

means for detecting a triggering event; and

in response to the triggering event,

means for retrieving the network address from the memory,

means for establishing a voice session between the calling party and a called party,

means for establishing a first data session between the calling party's device and the source computer, and

means for establishing a second data session between a called party's device and the source computer.

The pending claims cannot be anticipated by *Lund*. Examiner Dao is correct — *Lund* uses a called number to retrieve a called party's home page. See U.S. Patent 5,978,806 to Lund at column 3, lines 15-25. The pending independent claims, however, recite "*establishing a first data session between the calling party's device and the source computer*" and "*establishing a second data session between a called party's device and the source computer.*" The patent to Lund is entirely silent to data sessions between the source computer, the calling party's device, and the called party's device.

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Lund, then, cannot anticipate. Independent claims 1, 11, and 21 all similarly recite features for these first and second data sessions. Their respective dependent claims incorporate the same features. Claims 1-3, 11-16, 19, 21-26, and 28, then, cannot be anticipated by *Lund*, so Examiner Dao is respectfully requested to remove the § 102 (b) rejection of these claims.

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Rejection of Claims under § 103

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Claims 4-5 and 36 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Lund* in view of U.S. Patent 6,064,730 to *Ginsberg* and in view of U.S. Patent 6,791,974 to *Greenberg*. Claim 36, as above explained, has been canceled.

Claims 4 and 5, however, cannot be obvious. These claims depend from independent claim 1 and, thus, incorporate the same distinguishing features. *Ginsberg* describes how callers may establish an audio/video communications link with a call center agent. *Greenberg* describes an Internet-based telephony system. Yet the combined teaching of *Lund*, *Ginsberg*, and *Greenberg* still fails to teach or suggest “establishing a first data session between the calling party’s device and the source computer” and “establishing a second data session between a called party’s device and the source computer.” Because the proposed combination of *Lund*, *Ginsberg*, and *Greenberg* is silent to at least these features, one of ordinary skill in the art would not think that claims 4 and 5 are obvious. Examiner Dao is respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

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